



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 8, 1996

Mr. Gilbert D. Douglas
Senior Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-2063

Dear Mr. Douglas:

On behalf of the City of Houston (the "city"), you have asked us to reconsider Open Records Letter No. 96-1501 (1996). Your request for reconsideration was assigned ID# 101815.

The city received a request for information relating to the city's authority to regulate outdoor advertising signs pursuant to 43 T.A.C. § 21.151(a). The city claimed that the requested information is excepted from disclosure under section 552.103 of the Government Code because it relates to pending litigation, *Gannett Outdoor Company of Texas v. City of Houston*, No. 87-00827A (281st Dist. Ct., Harris County, Tex.). In Open Records Letter No. 96-1501 (1996), we concluded that the requested information is not excepted from disclosure under section 552.103 because the city did not demonstrate the relationship between the information and the pending litigation as required by section 552.103.

Having carefully reconsidered all of the information submitted in connection with Open Records Letter No. 96-1501 (1996), we find that the city has shown the relationship between the requested information and the pending litigation. Thus, the city may withhold the information from required public disclosure pursuant to section 552.103 of the Government Code.¹

We are resolving this matter with an informal letter ruling rather than with a published

¹We note that if the opposing parties in the pending litigation have seen or had access to any of the information at issue, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982). Of course, the city has discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 101815

Enclosures: Submitted documents

cc: Mr. Richard Rothfelder
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(w/o enclosures)